In the High Court of Punjab and Haryana, Chandigarh

C.W.P. No. 17585 of 2006

Date of Decision: 9.11.2006

Balwan Singh

…Petitioner

Versus

Union of India & others

…Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE M.M.S. BEDI

PRESENT: Mr. R.A. Sheoran, Advocate,
for the petitioner.

JUDGMENT

M.M. KUMAR, J. (Oral)

The case of the petitioner is that he is entitled to be granted disability pension at the rate of 50% according to rounding off policy. According to Regulation 173 of the Pension Regulation for the Army, 1961, an individual becomes entitled to disability pension if his disability is assessed at 20% or over 20% subject to other conditions. The instructions, dated 31.1.2001 (P-2) and 16.5.2001 (P-3) issued by the respondents would not apply to a case

where the requirement of Regulation 173 have not been satisfied. It is only after the assessment of disability beyond 20% that the same cannot be rounded off according to the instructions to 50% or in case where it is assessed more than 50% to 75% etc. There is no question of applying the aforementioned instructions to a case like the one in hand where the disability is less than 20%. We find no merit in the petition.

Dismissed.

(M.M. KUMAR)
JUDGE

(M.M.S. BEDI)

November 9, 2006
JUDGE

Pkapoor